

ASSEMBLY BILL

No. 1546

Introduced by Assembly Member Hancock

February 22, 2005

An act to add Section 57014 to the Health and Safety Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1546, as introduced, Hancock. Environment: Department of Environmental Management.

Under existing law, the Site Designation Committee in the California Environmental Protection Agency is authorized to designate an administering agency for oversight of a remedial action to a hazardous substance release.

The Carpenter-Presley-Tanner Hazardous Substance Account Act imposes liability for hazardous substance removal or remedial actions and requires the Department of Toxic Substances Control to adopt, by regulation, criteria for the selection and for the priority ranking of hazardous substance release sites for removal or remedial action under the act. The existing Radiation Control Law requires the State Department of Health Services to issue licenses with regard to radioactive materials and to register and inspect sources of ionizing radiation. Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are required to carry out various duties relating to water quality, including the issuance of waste discharge requirements and related orders.

This bill would require the Governor to convene a Cleanup Agency Consolidation Task Force, which would consist of a representative from the Department of Toxic Substances Control, the State

Department of Health Services, and the California regional water quality control boards. The bill would require the task force to draft an organization and business plan to provide for the creation and structuring of a Department of Environmental Management. The bill would require the plan to provide for the transfer of specified authority and duties to that department. The bill would provide for a 90-day public comment period for comments and hearings regarding the draft plan and would require the task force, after reviewing and incorporating into the plan any comments as appropriate, to issue a final organization and business plan for the creation and structuring of that department.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The accidental or unintended release of hazardous
- 4 chemicals or radioactive substances to the soil and groundwater
- 5 of the state damages habitat, threatens sources of safe drinking
- 6 water, and endangers human health.
- 7 (b) Numerous agencies have been order to enforce rules
- 8 associated with the release of hazardous substances and oversee
- 9 the cleanup of releases. These agencies include the Department
- 10 of Toxic Substances Control, branches within the nine California
- 11 regional water quality control boards, and the Radiological
- 12 Health Branch of the State Department of Health Services.
- 13 (c) Each regulating agency interprets and enforces state law in
- 14 accordance with its own criteria. There is no consistent standard
- 15 of governance between the various entities. There is only a
- 16 limited interagency coordination of activities.
- 17 (d) Agency jurisdictions overlap, and as a consequence, it is
- 18 often difficult to determine the agency that is responsible for the
- 19 control of a given release of a hazardous substance.
- 20 (e) Myriad agencies, inconsistent regulatory interpretation, and
- 21 competition for jurisdiction create an unmanageable patchwork
- 22 of environmental oversight. The manner in which regulations are
- 23 currently enforced actually impedes environmental protection,

1 slows the redevelopment of brownfield sites and, on occasion,
2 compromises human health.

3 SEC. 2. Section 57014 is added to the Health and Safety
4 Code, to read:

5 57014. (a) The Governor shall convene a Cleanup Agency
6 Consolidation Task Force, which shall consist of a representative
7 from each of the following entities:

8 (1) The Department of Toxic Substances Control.

9 (2) The environmental cleanup section of the Radiological
10 Health Branch of the State Department of Health Services.

11 (3) The part of each California regional water quality control
12 board that enforces environmental cleanup regulations.

13 (b) The task force shall draft an organization and business plan
14 to provide for the creation and structuring of a Department of
15 Environmental Management. The plan shall provide for the
16 transfer of the authority and duties of the entities specified in
17 paragraphs (1) to (3), inclusive, of subdivision (a) to that
18 department, and shall also include all of the following:

19 (1) The process by which previously existing entities and parts
20 of entities will be consolidated into the Department of
21 Environmental Management.

22 (2) A budget for the administration of the Department of
23 Environmental Management.

24 (3) A timeline and budget for the integration of existing
25 information systems into a single Department of Environmental
26 Management system.

27 (4) A description of policy objectives, including a plan for the
28 creation of technical guidelines and standards of practice, a plan
29 for public access and participation, and a plan for the creation of
30 a process for the review of Department of Environmental
31 Management decisions.

32 (5) Provisions to insure that the Department of Environmental
33 Management is vested with, and implements, the duties,
34 authority, and jurisdiction of the entities that are transferred to
35 the new department and that the Department of Environmental
36 Management continues the policies and practices of those
37 entities, unless expressly determined otherwise by that task force.

38 (c) Upon completion of a draft organization and business plan
39 pursuant to subdivision (b), a 90-day public comment period
40 shall commence. During that public comment period, the task

1 force shall receive comments in writing and at hearings around
2 the state.

3 (d) After reviewing and incorporating into the plan any
4 comments as appropriate, the task force shall issue a final
5 organization and business plan for the creation and structuring of
6 a Department of Environmental Management. The task force
7 shall make any intended modifications to the plan available to
8 interested parties before issuing the final plan.

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